

ORIGINAL

July 7 2010

IN THE SUPREME COURT OF THE STATE OF MONTANA  
No. DA 09-0638

FILED  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

JUL 07 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

STATE OF MONTANA,

Plaintiff and Appellee,

v.

JOHN RICHARDS

Defendant and Appellant.

REQUEST FOR  
RECONSIDERATION

I request reconsideration of this decision. The State did not point out the fact that there was no proof offered that shows I received the July 29<sup>th</sup> letter which I stated and you stated I did not receive. I requested appeal procedures from the District Court.

I was unaware of filing deadline as I did not receive the July 29<sup>th</sup> letter and I requested appeal procedures from the District Court.

Notice of appeal on March 28, 2009 appeal to Montana Supreme Court of denying continuance from District Court. District Court took no action.

This was appealed within two days of District Court Order.

The recording was not readable and could not be opened by me. I requested complete record that has never been provided to me to this date.

Court did not receive or acknowledge all of my motions timely. I did not receive all correspondence from the court either. This is a clear error and should be construed against the court, not me. This appeal should be allowed to proceed.

You stated I did not provide a basis to allow for late filing. What is an acceptable basis? I did not receive the District Courts response to my request for appeal procedures until the November 19, 2009 District Court notice that "AFFIRMED" this appeal (see November 19, Notice Exhibit A).

If this appeal is "AFFIRMED" by the District Court on November 19, 2009, don't I have time to appeal? My appeal was filed on November 30, 2009 (less than 10 days after the District Court "Affirmed" this appeal.

I do not know the procedures for appeal and asked the District Court to provide me with these procedures which was not ever provided to me.

I made a motion to District Court to provide me a complete record which was never done. This is a miscarriage of justice and must be done to provide justice to all not just those in the club. Justice is supposed to be for ALL not just those with attorney's.

The District Court did not address all issues I raised and the appeal must be allowed to address all these issues.

Please see my July 21, 2009 appeal Notice to District Court filing my appeal notice. Copy attached.

A handwritten signature in black ink, appearing to read "John Richards", with a stylized, cursive script. The signature is written over the printed name "John Richards".

John Richards


## CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on the 6<sup>th</sup> day of July, 2010, a true and correct copy of the foregoing was served upon the following as indicated:

(X) U.S. Mail  
Ed Smith  
Clerk of the Supreme Court  
PO Box 203003  
Helena, MT 59620-3003

*also faxed @ 2:45pm*  
*7-6-10*  
*JMS*

(X) U.S. Mail  
Steve Bullock  
Montana Attorney General  
Attn: Mark Mattioli, Appellate Services Bureau Chief  
PO Box 201401  
Helena, MT 59620-1401

  
\_\_\_\_\_  
Tracy Neal Sherrow

Attachment

John A. Richards  
PO Box 870  
Seeley Lake, MT 59868

July 21, 2009

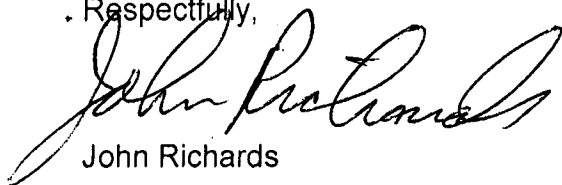
First Judicial District  
L & C Courthouse  
228 Broadway  
Helena, MT 59601

re: Cause #CDC-2008-391

Honorable Judge Seeley,

I would like to appeal this case to the appropriate appellant court. I am requesting the procedure to appeal this fine.

Respectfully,

A handwritten signature in cursive script, appearing to read "John Richards", written in black ink.

John Richards

cc: Mary E. Cochenour, Deputy County Attorney

### CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on the 21<sup>st</sup> day of July, 2009, a true and correct copy of the foregoing was served upon the following as indicated:

( ) U. S. Mail

Judge Kathy Seeley  
First Judicial District  
L & C Courthouse  
228 Broadway  
Helena, MT 59601

(✓) U.S. Mail

Mary E. Cochenour  
Deputy County Attorney  
L & C Courthouse  
228 Broadway  
Helena, MT 59601

Tracy Neal Sherron

# **CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on the 21<sup>st</sup> day of July, 2009, a true and correct copy of the foregoing was served upon the following as indicated:

(✓) U. S. Mail

Judge Kathy Seeley  
First Judicial District  
L & C Courthouse  
228 Broadway  
Helena, MT 59601

( ) U.S. Mail

Mary E. Cochenour  
Deputy County Attorney  
L & C Courthouse  
228 Broadway  
Helena, MT 59601

Tracy Neal Sherman